

# PREVENTION OF SEXUAL HARASSMENT

POSH

# OVERVIEW

- DEFINITION
- TYPES OF SEXUAL HARASSMENT
- EXAMPLES OF TYPES
- ADVICE FOR VICTIMS
- INFORMAL RESOLUTION TECHNIQUES
- ADMIN/LEGAL SANCTIONS
- COMPLAINT PROCEDURES
- REPRISAL

# DEFINITION

- A form of sexual discrimination that involves unwelcome Sexual advances, requests for sexual favors, and other verbal, or physical conduct of a sexual nature, When:
  - Submission to such conduct is made either **Explicitly** or **Implicitly** a term or condition of a person's job, pay or career, or:
  - Submission to or rejection of such conduct is used as a basis for career or employment decisions affecting that person or:
  - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an **Intimidating, Hostile** or **Offensive** working environment

# DEFINITION CONTINUED

- The definition of Sexual Harassment emphasizes that Workplace conduct, to be actionable as “Abusive Work Environment” the harassment need not result in concrete psychological harm to the victim, but rather be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, that the work environment as hostile or offensive.
- Any person in a **Supervisory** or **Command** position who **uses or condones** any form of sexual behavior to control , influence, or affect the career, pay, or job of a military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical conduct of a sexual nature in the workplace is also engaging in Sexual Harassment.

# TYPES OF SEXUAL HARASSMENT

- Quid Pro Quo Latin **“This for That”**
- Hostile Environment

# QUID PRO QUO

- This for that
  - **Submitting to, or rejecting** sexual advances or request **can not be a condition** upon which a person's job, career or upcoming promotion depends.

# HOSTILE ENVIRONMENT

- **Unwelcome and Demeaning sexually related behavior** that creates an **Intimidating, Hostile, or Offensive** work environment.
  - Subtle
  - One incident or several
  - Intent of harasser is Irrelevant
  - Perception or Impact of harassed person

# EXAMPLES OF SEXUAL HARASSMENT

- VERBAL
  - Profanity, off-colored jokes
  - Sexual comments, threats
  - Whistling, barking, grunts, growling
  - Passing rumors of sexual acts or involvement



# EXAMPLES OF SEXUAL HARASSMENT

- PHYSICAL

- Leering, elevator eyes, winking
- Licking lips, Displaying/giving sexually suggestive pictures or cartoons
- Stroking, grabbing, patting, hugging, pinching, provocatively posing,
- Cornering or blocking passageway
- Clothing adjustments, back rubs

# OBSESSIVE BEHAVIOR

- STALKING- Includes actions of a person in repeatedly following or harassing another person in a manner to induce in a reasonable person a fear of sexual battery, bodily injury, or death of that person or a member of that person's immediate family. **Stalking is a violation of the UCMJ.**
- OBSESSIVE BEHAVIOR- Such harassment can include unwanted telephone calls, E-Mail messages, uninvited visits to personal quarters, ETC..

# IS IT SEXUAL HARASSMENT

- Ask yourself the following:
  - Was the behavior or innuendo Sexual in nature?
  - Was the behavior Unwelcome?
  - Does the behavior create a Hostile or offensive work environment?
  - Have Sexual favored been Demanded, Requested, or Suggested- Especially as a condition of employment, career, and job success?

## WHAT IF YOU ARE A VICTIM?

- Contact your chain of command
- Contact your Brigade or post Equal Opportunity Advisor
- Call the installation Equal Opportunity Hotline 596-0601

# HOW DO VICTIMS COPE?

- SELF COPING MECHANISMS
  - Denial
  - Blaming oneself
  - Joking
  - Avoidance
  - Confrontation

# WAYS TO RESOLVE THE HARASSMENT

- Confront the harasser
- Use an intermediary to confront the harasser
- Write a letter to the harasser
- Maintain a log or diary of incidents
- Request sexual harassment training for the unit
- **REPORT THE INCIDENT**

# WHAT CAN HAPPEN TO THE HARASSER

- ADMINISTRATIVE
  - Counseling/Letters of reprimand/Rehabilitative Transfer
  - Administrative Reduction, Negative Performance Evaluations, Relief for Cause OER/NCOER
  - Denial of privileges, Bar to reenlistment, Discharge from service

# WHAT CAN HAPPEN TO THE HARASSER (UCMJ)

- OFFENSE

- Making Sexual Comments or Gestures

- Offering Rewards for sexual behaviors

- UCMJ ARTICLE

- Art 89 Disrespect towards superior officer
- Art 91 Insubordinate conduct towards a WO or NCO
- Art 117 Provoking speech and gestures
- Art 134 Indecent language
- Art 134 Bribery and graft



# WHAT CAN HAPPEN TO THE HARASSER (UCMJ)

- OFFENSE

- Making unsolicited or unwelcome sexual contact with the intent to gratify lust or sexual desire

- Threatening the career, job, salary of a person unless He or She “Cooperates”

- UCMJ ARTICLE

- Art 134 indecent assault

- Art 134 Extortion
- Art 134 Communicating a threat

# WHAT CAN HAPPEN TO THE HARASSER (UCMJ)

- OFFENSE

- Engaging in or condoning sexual harassment behaviors
- Influencing or threatening the career, pay or job of another person in exchange for sexual favors

- UCMJ ARTICLE

- Art 77 Violation of principles
- Art 92 Failure to obey an order or regulation
- Art 133 Conduct unbecoming an officer
- Art 93 Cruelty or maltreatment

# WHY INCIDENTS ARE NOT REPORTED

- Lack of faith in chain of command
- Labeled as a non-team player
- Perpetrator rather than victim
- Peer pressure
- Not worth the risk (promotions, awards, career)
- Fear of reprisal

## FEAR OF REPRISAL

- **Soldiers shall be free from reprisal** for making or preparing a protected communication (to include complaints of unlawful discrimination and sexual harassment) to a member of Congress, an EO, an IG, or a member of a DOD audit, Inspection, Investigation, or law enforcement organization or any other person or organization

# REPRISAL

- Acts of reprisal can come from your co-workers or those in a supervisory position
- Threats or acts of reprisal are forbidden by Army and DOD policy and are punishable under the UCMJ.

# WHISTLEBLOWER PROTECTION ACT

- Soldiers cannot be reprimanded for filing a complaint of sexual harassment or unlawful discrimination.
- Soldiers must report acts of reprisal to an EOA or DOD IG for investigation.
- DOD HOTLINE
  - CONUS 1-800-424-9098
  - OCONUS (703) 604-8569

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EQUAL OPPORTUNITY IS

GOOD LEADERSHIP